

### **Remarks**

The application has been reviewed in light of the Office Action mailed October 29, 2004. Claims 1-11 are pending in this application. By the foregoing amendments, claims 1-11 have been amended. No new matter is introduced by the amendments.

The Examiner has objected to the specification, abstract, claims 4-11 because of certain informalities therein. By the foregoing amendments, such informalities have been corrected.

The Examiner has rejected claims 1-3 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner has stated that claim 1 requires a data processing means for determining the horizontal deviation, and has further concluded that, although the last paragraph on page 6 indicates that mathematical algorithms in the data processing means are used, there is no where in the specification an indication of what such algorithms are and how deflection or angle of deflection is counted.

Applicant respectfully disagrees with the Examiner and submits that the manners for determining the horizontal deviation by the data processing means and utilizing mathematical algorithms in the data processing means are described in the specification in such a way as to enable one skilled in the art to make and use the invention. In particular, the specification describes the manners for determining the horizontal deviation, for example, from page 4, line 33 to page 5, line 10 (e.g., "by using simple trigonometric relationships in an algorithm in a computer unit").

Applicant respectfully submits that such description is sufficient to enable one skilled in the art to make and use the invention *without undue experimentation*. As is well established, the test of enablement is whether one reasonably skilled in the art

could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. See M.P.E.P. Sec 2164.01. Having the disclosures in the specification as identified above, it is obvious that one skilled in the art can easily figure out the mathematical algorithms by using simple trigonometric calculations, which is within the general knowledge of one of skilled in the art and is definitely not requiring any undue experimentation. One example of the mathematical algorithms is shown in the appendix enclosed hereto.

Accordingly, in view of the foregoing, Applicant respectfully submits that claims 1-3 as amended satisfy the enablement requirement under 35 U.S.C. 112, first paragraph.

The Examiner has further rejected claims 1-3 under 35 U.S.C. 112, second paragraph, as being indefinite to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to overcome this rejection.

In addition, it is noted that all of the claims currently pending in this application have been further amended to delete unnecessary reference numerals in the claims, however in a manner to satisfy this requirement under 35 U.S.C. 112, second paragraph. Accordingly, Applicant respectfully submits that claims 1-11 as amended are now in condition satisfying this requirement under 35 U.S.C. 112, second paragraph.

Finally, Applicant respectfully acknowledges the Examiner's indication of allowability of claims 1-3 if rewritten or amended to overcome the rejections under 35 U.S.C. 112, as set forth in the Office Action. As discussed herein above, Applicant respectfully submits that claims 1-3 as amended are now in condition for allowance.

Accordingly, in view of the foregoing amendments and remarks, Applicant respectfully submits that all of the claims currently pending in the application (i.e., claims 1-11) are now in condition for allowance. Reconsideration and early notice to that effect is earnestly requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley W. Whitmyer, Jr.', written over a horizontal line.

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